**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**
**CRIMINAL APPLICATION NO.5236 OF 2005**

Sanjay Shankar Vairagal ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr.G.V.Bhagat for the Applicant
Mr.R.Y.Mirza,A.P.P. for State

**CORAM: A.S.OKA,J.**
**DATE : AUGUST 23,2005**

**P.C.:**

1. Heard Advocate for the Applicant and the learned A.P.P. for State. The offence alleged against the Applicant is punishable under sections 328,366,376,342,504,506 read with section 34 of the Indian Penal Code. F.I.R. has been registered at the instance of the prosecutrix on 27th April 2005. The F.I.R. discloses that the prosecutrix was kidnapped on 15th February 2004. The allegation is that the prosecutrix was forced to marry with the Applicant on 24th February 2004 and thereafter, the prosecutrix stayed in the house of the Applicant at Ambarnath. The allegation in F.I.R. discloses that from time to time the Applicant had forcible intercourse with the prosecutrix and from time to time he and his family members threatened the prosecutrix. The F.I.R. itself records that two months prior to the registration of F.I.R., the father of the prosecutrix visited the house of the Applicant. At that time the prosecutrix did not tell anything to her father. The allegation is that on 11th February 2005

the Applicant left the prosecutrix on a road at Ambarnath and the Applicant threatened the prosecutrix that if she goes back to her house he will create the scene. According to the prosecutrix by a train she went to Nanded and stayed in a Gurudwara till 3rd April 2005. On 3rd April 2005 the prosecutrix came back to her house at Ulhasnagar and thereafter on 27th April 2005, F.I.R. has been registered.

2. Investigation is admittedly completed and the charge sheet has been filed. There is a gross delay in filing the F.I.R. The F.I.R. itself discloses that there were number of opportunities available to the prosecutrix to protest and to make a complaint. Going by the assertions of the prosecutrix, at this stage, the prosecution case is not free from doubt. In the circumstances, no purpose will be served by continuing the detention of the Applicant in the custody.

3. Hence I pass the following order :

i) The Applicant shall be enlarged on bail in connection with C.R.No.I-89/2005 registered with Ulhasnagar Police Station, Ulhasnagar-1 subject to furnishing a personal bond of Rs.25,000/- (Rupees twenty five thousand only) with one or two local sureties in the like amount.

ii) Bail is granted subject to condition that the Applicant

will attend the concerned police station on every Sunday till the conclusion of the trial.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

**JUDGE**